

(Adopted: 08/01/75; CARB Ex. Ord. G-73: 02/01/77;
Readopted: 07/25/77)

RULE 803

Filing Petitions

Requests by the Air Pollution Control Officer for a hearing on an order for abatement shall be initiated by the filing of the original and five copies of the petition with the Clerk of the Hearing Board. One copy of the petition will then be served upon the person against whom the order for abatement is sought (the respondent). Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

[SIP: Deletion challenged U.S. 9th Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(30)(x)(B) and 40 CFR 52.220(c)(39)(ii)(F); Approved: 9/8/78, 43 FR 4001, 40 CFR 52.220(c)(39)(ii)(C); Approved: 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]

(Adopted: 08/01/75; CARB Ex. Ord. G-73: 02/01/77;
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RULE 804

Content of Petition

The petition for order for abatement shall contain the following information:

- a. The name, address, and telephone number of the respondent.
- b. The type of business or activity involved and the street address at which it is conducted.
- c. A brief description of the article, machine, equipment, or other contrivance, if any, involved in the violative emission.
- d. The section or rule which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

The permit status and history of the source sought to be abated may be included in the petition. A proposed order for abatement may also be included.

All petitions shall be typewritten, double-spaced, on letter-size paper (8-1/2 inches by 11 inches), on one side of the paper only, leaving a margin of at least one inch at the top and each side of the paper.

[SIP: Deletion challenged U.S. 9th Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(30)(x)(B) and 40 CFR 52.220(c)(39)(ii)(F); Approved: 9/8/78, 43 FR 4001, 40 CFR 52.220(c)(39)(ii)(C); Approved: 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]

(Adopted: 08/01/75; CARB Ex. Ord. G-73: 02/01/77;
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Rule 805

Scope of Order

An order for abatement issued by the Hearing Board shall include an order to comply with the statute or rule being violated. Such order may provide for installation of control equipment and, except in the case of a violation of Section 41700 of the Health and Safety Code, for a schedule of completion and compliance. As an alternative to an order to comply, the Hearing Board may order the shutdown of any source of emissions which violates any statute or rule. An order for abatement may also include a directive to take other action determined appropriate to accomplish the necessary abatement.

[SIP: Deletion challenged U.S. 9th Cir. Case #97-71117; Deleted 6/27/97, 62 FR 34641, 40 CFR 52.220(c)(32)(iv)(B) and 40 CFR 52.220(c)(39)(ii)(F); Approved: 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(ii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(32)(iv)(A)]